DETAILED ACTION

1. This action is in response to the appeal brief filed on 10/15/2010. After through search, application history, double patenting search, and in light of the prior arts made of the record, claims 1-21 and 24 are allowed.

Positive Statement (35 U.S.C §101)

2. It is examiner's interpretation that the server, processor, and computer used in claims 1, 11 and 24 are all hardware components (as described in specification par. [0017, 0018]) making these claims statutory.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

4. Authorization for this examiner's amendment was given in a telephone and via email on 12/29/2010 in interview with Robert Bain (Reg. No. 36,736).

Please amend the claims, which were filed on 10/18/2010 with the new version as follows:

Claim 1 (currently amended): A method to provide a sync notification to a client device comprising the steps of:

receiving, by a server, notification that an event of interest has been received;

in response to the server receiving the notification, determining a state of the client device, said state indicating whether or not the client device has outstanding sync notifications, said state being determined based on a trackingGUID and a syncGUID;

if the state of the client device indicates that the client device has no outstanding sync notifications prior to the receipt the received notification:

setting trackingGUID equal to the syncGUID, wherein the syncGUID is updated after each successful device synchronization of the client device;

setting a timeout equal to a current time plus a predetermined value; and

sending the sync notification to the client device; and

if the state of the client device indicates that the client device has at least one outstanding sync notification:

not sending the sync notification to the client device if the current time is less than the timeout, said timeout being used to determine the maximum time between sync notifications; and

sending the sync notification to the client device if the current time is greater than the timeout.

Claim 2 (original): The method of claim 1 further comprising the step of sending the sync notification to the client device if the trackingGUID equals the syncGUID and the current time is greater than the timeout.

Claim 3 (original): The method of claim 2 further comprising the step of setting the timeout equal to the current time plus the predetermined value.

Claim 4 (original): The method of claim 1 further comprising the step of receiving a device/user configuration file having at least one of the syncGUID and the trackingGUID.

Claim 5 (original): The method of claim 4 further comprising the step of reading the at least one of the syncGUID and the trackingGUID from the device/user configuration file.

Claim 6 (original): The method of claim 1 wherein the predetermined value is fifteen minutes.

Claim 7 (original): The method of claim 1 wherein the predetermined value is in the range of one to two hours.

Claim 8 (original): The method of claim 1 wherein the step of sending the sync notification comprises sending the sync notification using the SMTP (simple mail transfer protocol) protocol.

Claim 9 (original): The method of claim 1 further comprising the step of determining if the client device has received the event of interest.

Claim 10 (original): The method of claim 1 wherein the step of receiving notification that an event of interest has been received comprises the step of receiving a trigger event.

Claim 11 (currently amended): ~~At least one computer readable storage medium having computer executable instructions~~ A system for providing a sync notification to a client device, ~~the computer executable instructions performing the steps of~~ said system comprising:

a memory; and

a processor configured for performing the steps of:

receiving notification that an event of interest has been received;

in response to receiving the notification, determining a state of the client device, said state indicating whether or not the device has outstanding sync notifications prior to the receipt the received notification, said state being determined based on a trackingGUID and a syncGUID;

determining if a current time is less than a timeout set based on the confidence level of the network wherein the timeout indicates how long to wait to retry sending the notification to the device;

sending the sync notification to the client device if the state of the client device indicates that the client device has at least one outstanding sync notification prior to the receipt the received notification and the current time is not less than a timeout; and

not sending the sync notification to the client device if the state of the client device indicates that the client device has at least one outstanding sync notification prior to the receipt the received notification and the current time is less than a timeout.

Claim 12 (currently amended): The ~~at least one computer readable storage medium~~ system of claim 11 ~~having further computer executable instructions~~ wherein the processor is further configured for performing the steps comprising:

if the trackingGUID does not equal the syncGUID:

setting the trackingGUID equal to the syncGUID;

setting a timeout equal to the current time plus a predetermined value; and

sending the sync notification to the client device.

Claim 13 (currently amended): The ~~at least one computer readable storage medium~~ system of claim 12 ~~having further computer executable instructions~~ wherein the processor is further configured for performing the step[[s]] comprising determining if the trackingGUID equals the syncGUID.

Claim 14 (currently amended): The ~~at least one computer readable storage medium~~ system of claim 13 ~~having further computer executable instructions~~ wherein the processor is further configured for performing the step comprising setting the timeout equal to the current time plus the predetermined value.

Claim 15 (currently amended): The ~~at least one computer readable storage medium~~ system of claim 14 wherein the predetermined value is fifteen minutes.

Claim 16 (currently amended): The ~~at least one computer readable storage medium~~ system of claim 14 wherein the predetermined value is in the range of one to two hours.

Claim 17 (currently amended): The ~~at least one computer readable storage medium~~ system of claim 11 ~~having further computer executable instructions~~ wherein the processor is further configured for performing the step comprising receiving a device/user configuration file having at least one of the syncGUID and the trackingGUID.

Claim 18 (currently amended): The ~~at least one computer readable storage medium~~ system of claim 17 ~~having further computer executable instructions~~ wherein the processor is further configured for performing the step comprising reading the at least one of the syncGUID and the trackingGUID from the device/user configuration file.

Claim 19 (currently amended): The ~~at least one computer readable storage medium~~ system of claim 11 wherein the step of sending the sync notification comprises sending the sync notification using the SMTP (simple mail transfer protocol) protocol.

Claim 20 (currently amended): The ~~at least one computer readable storage medium~~ system of claim 11 ~~having further computer executable instructions~~ wherein the processor is further configured for performing the step comprising determining if the client device has received the event of interest.

Claim 21 (currently amended): The ~~at least one computer readable storage medium~~ system of claim 11 wherein the step of receiving notification that an event of interest has been received comprises the step of receiving a trigger event.

Claim 22 (canceled).

Claim 23 (canceled).

Claim 24 (currently amended): A method to provide a sync notification to a client device comprising the steps of:

receiving, by a computer, a notification that an event of interest has occurred;

in response to the notification, retrieving, by the computer, a device/configuration file of the client device, said device/configuration file including a syncGUID and a trackingGUID, said syncGUID being updated after each successful device synchronization of the client device for indicating a state of the client device, and said trackingGUID being set to equal the last known syncGUID for the client device;

determining the state of the client device prior to receipt of the received notification based on the trackingGUID, wherein the client device is in an up-to-date state when the trackingGUID does not equal the syncGUID indicating the client device has performed a sync since a previous notification was processed and wherein the client device is in a pending synchronization state when the trackingGUID equals the syncGUID indicating the client device has not performed a sync since the previous notification was processed;

sending the sync notification to the client device and re-setting the trackingGUID to equal the syncGUID when the determined state of the client device prior to the receipt of the received notification is the up-to-date state; and

not sending the sync notification to the client device when the determined state of the client device prior to the receipt of the received notification is the pending synchronization state.

Reason for Allowance

5. The following is an examiner's statement of reasons for allowance: The closest prior arts of the record, Reed et al. (US Pub. No. 2002/0095454) discloses an automated communications system operates to transfer data, metadata and methods from a provider computer to a consumer computer through a communications network. The transferred information controls the communications relationship, including responses by the consumer computer, updating of information, and processes for future communications . . . combination of the provider and consumer programs and databases allows for additional functionality, including coordination of

multiple users for a single database (see abstract). Lemke et al. (US Pub. No. 2005/0086306) discloses managing the transfer of messages, such as e-mails, over a network. Messages can be transferred over the network through background delivery . . . e-mail proxy server notifies the intended e-mail recipient that the content is ready to be retrieved. The intended recipient issues a scheduling request calling for delivery of the content. A forward proxy receives and services the scheduling request by arranging for the content to be delivered in accordance with a specified bandwidth schedule (see abstract). Also applicant submit that Lemke is invalid prior art because appellant's effectively swore behind the reference. Border et al. (US Pub. No. 2002/0071436) further discloses a communication system having a proxy architecture is disclosed. The system includes a platform that provides performance enhancing functions . . . this compensation may include dynamically resizing data segments or disabling three-way handshake spoofing. The above arrangement has particular applicability to a bandwidth constrained communication system, such as a satellite network (see abstract).

6. In applicant's invention along with other things, "if the state of the client device indicates that the client device has no outstanding sync notifications prior to the receipt the received notification: setting trackingGUID equal to the syncGUID, wherein the syncGUID is updated after each successful device synchronization of the client device; setting a timeout equal to a current time plus a predetermined value; and sending the sync notification to the client device; and if the state of the client device indicates that the client device has at least one outstanding sync notification: not sending the sync notification to the client device if the current time is less than the timeout, said timeout being used to determine the maximum time between sync notifications; and sending the sync notification to the client device if the current time is greater

than the timeout," as recited in independent claims 1 and similarly in independent claims 11 and 24, are not taught or suggested alone or in combination of Reed, Lemke and Border.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./
Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444